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September 14, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20054

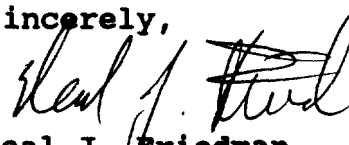
RE: RM-8249
MM Docket No. 93-185

Dear Mr. Caton:

Transmitted herewith on behalf of Hambric Associates, Petitioner in the above-referenced rule making proceeding, are an original and four (4) copies of its Reply Comments submitted in response to the Notice of Proposed Rule Making, DA 93-730 released July 8, 1993.

Should you or the staff have any questions, kindly contact the undersigned.

Sincerely,


Neal J. Friedman

Enclosures

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYBEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Amendment of Section 73.202(b),)
Table of Allotments)
FM Broadcast Stations.)
(Estes Park, Colorado))

RM-8249

TO: CHIEF, ALLOCATIONS BRANCH

REPLY COMMENTS OF HAMBRIC ASSOCIATES

Hambric Associates ("Hambric"), by its attorney and pursuant to the Notice of Proposed Rule Making ("NPRM") DA 93-730, released July 8, 1993, hereby submits its Reply to the Comments of Trail Broadcasting Company, Inc. ("Trail"), licensee of KRKI(AM), Estes Park, Colorado, filed on August 26, 1993 in the above-captioned proceeding.

Trail argues that the allotment of a new FM frequency at Estes Park is unwarranted because of its own "considerable investment" in developing an AM station in Estes Park. Trail states that: "No one can do more locally than we have." It further argues: "Another FM signal in our market could only offer another music choice, and virtually all formats are represented by stations already reaching the market." Trail claims the Estes Park market is inundated with other advertising media including newspapers and direct mail.

What Trail fails to point out to the Commission is the fact that its principals own the Estes Park Trail - Gazette, which is

published three days per week (Wednesday thru Friday) in Estes Park and is the only newspaper in that community. Trail's President, Terence K. Licence, is the publisher of the newspaper. See, Ownership Report of Trail Broadcasting Company, Inc., dated June 30, 1993, attached hereto as Exhibit 1.

It is, of course, well established that, "the Commission no longer addresses the potential economic impact of new allotments on existing stations." Pierce, Bloomington, Markham, San Pedro and Bishop, Texas, 8 FCC Rcd 3528, 3530 (MMB 1993), citing FM Channel Assignments; Policies Regarding Detrimental Effects of Proposed New Broadcast Stations on Existing Stations, 3 FCC Rcd 638 (1988), aff'd 4 FCC Rcd 2276 (1989). Thus, Trail's economic arguments are wholly irrelevant.

Trail, as the licensee of the only broadcast service in Estes Park and the only newspaper in Estes Park is attempting to maintain its monopoly on viewpoints in the community. This, of course, is directly contrary to the Commission's long-standing policy of promoting diversity of voices and viewpoints in comparative broadcast proceedings. Diversification is a primary objective of the Commission's licensing scheme. Policy Statement on Comparative Broadcast Hearings, 1 FCC2d 393, 394 (1965).

Grant of Hambric's Petition will provide Estes Park with its first local FM service and, more importantly, an additional viewpoint to contrast that of Trail and its principals who also control the community's only newspaper.

For the foregoing reasons, Hambric Associates respectfully requests that the Commission reject the arguments contained in the Comments of Trail Broadcasting, Inc. and grant Hambric's Petition for Rule Making.

Respectfully submitted,

HAMBRIC ASSOCIATES

By



Neal J. Friedman
Its Attorney

PEPPER & CORAZZINI
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1776 K Street, N.W., Suite 200
Washington, D.C. 20006
(202) 296-0600

September 14, 1993

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EXHIBIT 1

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JUL 6 1993

United States of America
Federal Communications Commission
Washington, D. C. 20554

Ownership Report

FCC MAIL BRANCH

NOTE: Before filling out this form, read attached instructions

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license/permit or transfer of control (except to report an assignment of license/permit or transfer of control made pursuant to prior Commission consent).

1. All of the information furnished in this Report is accurate as of

JUNE 30th 1993

(Date must comply with Section 73.3615(a), i.e., information must be current within 60 days of the filing of this report, when 1(a) below is checked.)

This report is filed pursuant to instruction (check one)

1(a) ☒ Annual 1(b) ☐ Transfer of Control or Assignment of License 1(c) ☐ Other

for the following stations:

Call Letters	Location	Class of service
KRKI	ESTES PARK, CO	AM

2. Give the name of any corporation or other entity for whom a separate Report is filed due to its interest in the subject licensee (See Instruction 3):

NONE

3. Show the attributable interests in any other broadcast station of the respondent. Also, show any interest of the respondent, whether or not attributable, which is 5% or more of the ownership of any other broadcast station or any newspaper or CATV entity in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules.

NONE

CERTIFICATION

I certify that I am

PRESIDENT

(Official title, see Instruction 1)

of

TRAIL BROADCASTING COMPANY, Inc.

(Exact legal title or name of respondent)

that I have examined this Report, that to the best of my knowledge and belief, all statements in the Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Item 1 and in no event prior to Item 1 date):

(Signature)

(Date)

19

Telephone No. of respondent (include area code):

(303) 586-3356

Any person who willfully makes false statements on this report can be punished by fine or imprisonment. U.S. Code, Title 18, Section 1001.

Name and Post Office Address of respondent:

MR. TERENCE K. LICENCE
P.O. BOX 1707
251 MORRIS AV.
ESTES PARK, CO. 80517

4. Name of entity, if other than licensee or permittee, for which report is filed (see Instruction 3):

Filed for license

5. Respondent is:

- ☐ Sole Proprietorship
☒ For-profit corporation
☐ Not-for-profit corporation
☐ General Partnership
☐ Limited Partnership
☐ Other: _____

If a limited partnership, is certification statement included as in Instruction 4?

☐ Yes ☐ No

6. List all contracts and other instructions required to be filed by Section 73.3813 of the Commission's Rules and Regulations. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
BUSINESS LOAN AGREEMENT	THE ESTES PARK BANK	MAY 15th, 1991	JUNE 20, 1994
COMMERCIAL SECURITY AGREEMENT	THE ESTES PARK BANK	MAY 15th, 1991	JUNE 20, 1994
COMMERCIAL PLEDGE AGREEMENT	THE ESTES PARK BANK	MAY 15th, 1991	JUNE 20, 1994
By-laws	N/A		
Articles of Incorporation	STATE OF COLORADO		

7. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee, shall respond.)

Class of Stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
Common	VOTING	1,500	1,500		

Remarks concerning family relationships, attribution exemptions and certifications: (See Instructions 4, 5 and 6)

List officers, directors, cognizable stockholders
4, 5, and 6.

partners. Use one column for each individual or entity.

in additional pages, if necessary. See instructions

1. (Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of officer, director, cognizable stockholder or partner (If other than individual also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.

2. Citizenship.

3. Office or directorship held.

4. Number of shares or nature of partnership interest.

5. Number of votes.

6. Percentage of votes.

7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.

8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3655 and 76.501 of the Commission's Rules, including the nature and size of such interests and the position held.

1	(a)	(b)	(c)
	TERENCE K LICENCE P.O. Box 2431 ESTES PARK, CO 80517	J. ALAN CRAMER P.O. Box 428 WAYNE, NE. 68787	STEVEN R. COFFIN 1381 VAIL CT. M.R. ESTES PARK, CO 80517
2	U.S.A.	U.S.A.	U.S.A.
3	PRESIDENT	VICE-PRESIDENT	SECRETARY / TREASURER
4	500 Common	500 Common	500 Common
5	500	500	500
6	1/3	1/3	1/3
7	NONE	NONE	NONE
8	See Exhibit 1	See Exhibit 1	NONE

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this Report is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to assess compliance with the Commission's multiple ownership restrictions. The staff, consisting variously of attorneys and examiners, will use the information to determine such compliance. If all the information requested is not provided, processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to retain your authorization.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974,
5 U.S.C. 552(d)(3) AND THE PAPERWORK REDUCTION ACT P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.


EXHIBIT 1
Trail Broadcasting Company, Inc.
Ownership Report

The principals of Trail Broadcasting Company, Inc. own the Estes Park Trail-Gazette which is published three days per week (Wednesday through Friday) in Estes Park, Colorado. Mr. Licence is the publisher of the newspaper.

CERTIFICATE OF SERVICE

I, Susan A. Burk, a secretary with the law firm of Pepper & Corazzini, do hereby certify that a true and correct copy of the foregoing Reply Comments were served by U.S. mail, first-class, postage prepaid on the 14th day of September, 1993, on the following individual:

Mr. Steven R. Coffin
General Manager
KRKI(FM)
131 Stanley Ave.
P.O. Box 2677
Estes Park, CO 80157



Susan A. Burk